

1-1 By: Krusee (Senate Sponsor - Shapleigh) H.B. No. 3711
1-2 (In the Senate - Received from the House May 7, 2007;
1-3 May 8, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 17, 2007, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 8, Nays 0; May 17, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3711 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the repeal of obsolete statutes regulating railroads.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Title 112, Revised Statutes, is amended by
1-13 adding Article 6259a to read as follows:
1-14 Art. 6259a. DEFINITION. In this title, a reference to a
1-15 railroad corporation or a railroad company means:
1-16 (1) a railroad incorporated under this title before
1-17 September 1, 2007; or
1-18 (2) any other legal entity operating a railroad in
1-19 this state, including an entity organized under the Texas Business
1-20 Corporation Act or the Texas Corporation Law provisions of the
1-21 Business Organizations Code.
1-22 SECTION 2. Article 6336, Revised Statutes, is amended to
1-23 read as follows:
1-24 Art. 6336. WHEN CORPORATION AND OWNER DISAGREE. (a) A [If
1-25 any] railroad corporation may acquire property by condemnation if
1-26 the corporation cannot [shall at any time be unable to] agree with
1-27 the owner for the purchase of the property and the property is [any
1-28 real estate, or material thereon,] required for the following
1-29 purposes:
1-30 (1) the [purpose of its] incorporation of the
1-31 railroad;
1-32 (2) [or] the transaction of railroad corporation [its]
1-33 business;
1-34 (3) [for its] depots, station buildings, and machine
1-35 and repair shops;
1-36 (4) [for] the construction of reservoirs for the
1-37 water supply;
1-38 (5) [or for] the right of way, or [for a] new or
1-39 additional right of way;
1-40 (6) a [for] change[er] or relocation;
1-41 (7) a [or] road bed;
1-42 (8) shortening a [to shorten the] line;
1-43 (9) reducing [or any part thereof, or to reduce its]
1-44 grades;
1-45 (10) [or any of them, or for] double tracking the
1-46 [its] railroad or constructing and operating [its] tracks; or
1-47 (11) [which is hereby authorized and permitted, or
1-48 for] any other [lawful] purpose connected with or necessary to the
1-49 building, operating, or running of the railroad [its road, such
1-50 corporation may acquire such property by condemnation thereof. The
1-51 limitation in width prescribed by Article 6319 shall not apply to
1-52 real estate or any interest therein, required for the purposes
1-53 herein mentioned, other than right of way, and shall not apply to
1-54 right of way when necessary for double tracking or constructing or
1-55 adding additional railroad tracks, and real estate, or any interest
1-56 therein, to be acquired for such other purposes, or any of them,
1-57 need not adjoin or abut on the right way, and no change of the line
1-58 through any city or town, or which shall result in the abandonment
1-59 of any station or depot, shall be made, except upon written order of
1-60 the Railroad Commission of Texas, authorizing such change].
1-61 (b) A [No] railroad corporation may not [shall have the
1-62 right under this law to] condemn property under [any land for the
1-63 purposes mentioned in] this article that is located [situated] more

2-1 than two miles from the right of way of the [~~such~~] railroad
 2-2 corporation.

2-3 SECTION 3. Article 6351, Revised Statutes, is amended to
 2-4 read as follows:

2-5 Art. 6351. EMINENT DOMAIN. A [~~when any~~] railroad
 2-6 corporation or a receiver [~~receivers~~] of a [~~any~~] railroad that
 2-7 changes, relocates, or abandons a [~~shall have been empowered under~~
 2-8 ~~the provisions of this law to change, relocate or abandon its~~] line
 2-9 of railroad in this State may [~~it shall have full power to~~]
 2-10 acquire by condemnation or otherwise all lands for right of way,
 2-11 depot grounds, shops, roundhouses, water supply sites, sidings,
 2-12 switches, spurs or any other [~~lawful~~] purposes connected with or
 2-13 necessary to the building, operating or running of the railroad,
 2-14 [~~its road~~] as changed, relocated or abandoned; provided [~~however,~~]
 2-15 that [~~all~~] property [~~so~~] acquired under this article is [~~hereby~~]
 2-16 declared [~~to be~~] for and [~~is~~] charged with public use [~~so far as the~~
 2-17 ~~same may be necessary~~].

2-18 SECTION 4. Article 6445(a), Revised Statutes, is amended to
 2-19 read as follows:

2-20 (a) To the extent not preempted by federal law, [~~Power and~~
 2-21 ~~authority are hereby conferred upon~~] the Texas Department of
 2-22 Transportation:

2-23 (1) has power and authority over:

2-24 (A) [~~all~~] railroads, including [~~and~~] suburban,
 2-25 belt and terminal railroads;

2-26 (B) [~~and over all~~] public wharves, docks,
 2-27 piers, elevators, warehouses, sheds, tracks and other property used
 2-28 in connection with railroads; [~~therewith in this State,~~] and

2-29 (C) [~~over all~~] persons, associations and
 2-30 corporations, private or municipal, owning or operating a [~~such~~]
 2-31 railroad, or a wharf, dock, pier, elevator, warehouse, shed, track
 2-32 or other property used in connection with a railroad; and

2-33 (2) shall [~~to fix, and it is hereby made the duty of~~
 2-34 ~~the said department to adopt all necessary rates, charges and~~
 2-35 ~~regulations, to~~] govern and regulate those [~~such~~] railroads,
 2-36 persons, associations and corporations [~~and to correct abuses and~~
 2-37 ~~prevent unjust discrimination in the rates, charges and tolls of~~
 2-38 ~~such railroads, persons, associations and corporations, and to fix~~
 2-39 ~~division of rates, charges and regulations between railroads and~~
 2-40 ~~other utilities and common carriers where a division is proper and~~
 2-41 ~~correct,~~] and [~~to~~] prevent [~~any and all other~~] abuses in the conduct
 2-42 of their business [~~and to do and perform such other duties and~~
 2-43 ~~details in connection therewith as may be provided by law~~].

2-44 SECTION 5. The following are repealed:

2-45 (1) Articles 6259, 6260, 6261, 6262, 6263, 6264, 6265,
 2-46 6266, 6267, 6268, 6269, 6270, 6271, 6272, 6273, and 6274, Revised
 2-47 Statutes;

2-48 (2) Articles 6275, 6276, 6277, 6278, 6279, 6280, 6281,
 2-49 6282, 6283, 6284, 6285, 6286, and 6287, Revised Statutes;

2-50 (3) Articles 6288, 6289, 6290, 6291, 6292, and 6293,
 2-51 Revised Statutes;

2-52 (4) Articles 6294, 6295, 6296, 6297, 6298, 6299, 6300,
 2-53 6301, 6302, 6303, 6304, 6305, 6306, 6307, and 6308, Revised
 2-54 Statutes;

2-55 (5) Articles 6309, 6310, 6311, 6312, 6313, 6314, and
 2-56 6315, Revised Statutes;

2-57 (6)(A) Articles 6316, 6317, 6319, 6321, 6322, 6323,
 2-58 6324, 6325, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, and
 2-59 6340, Revised Statutes; and

2-60 (B) Chapter 73, Acts of the 39th Legislature,
 2-61 Regular Session, 1925 (Article 6316a, Vernon's Texas Civil
 2-62 Statutes);

2-63 (7) Articles 6342, 6343, 6344, 6345, 6346, 6347, 6348,
 2-64 6349, 6350, 6352, and 6353, Revised Statutes;

2-65 (8)(A) Articles 6354, 6355, 6356, 6357, 6358, 6359,
 2-66 6360, 6361, 6362, 6363, 6364, 6365, 6368, 6369, 6372, 6373, 6374,
 2-67 6375, 6376, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387,
 2-68 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398,
 2-69 6399, 6401, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411,

3-1 6412, 6413, 6414, 6415, 6416, 6418, and 6419, Revised Statutes;
3-2 (B) Chapter 33, Acts of the 69th Legislature,
3-3 Regular Session, 1985 (Article 6398a, Vernon's Texas Civil
3-4 Statutes);
3-5 (C) Chapter 240, Acts of the 40th Legislature,
3-6 Regular Session, 1927 (Article 6418a, Vernon's Texas Civil
3-7 Statutes); and
3-8 (D) Chapter 296, Acts of the 41st Legislature,
3-9 Regular Session, 1929 (Article 6418b, Vernon's Texas Civil
3-10 Statutes);
3-11 (9) Articles 6421, 6422, 6423, 6424, 6425, 6426, 6427,
3-12 6428, 6429, 6430, and 6431, Revised Statutes;
3-13 (10)(A) Articles 6448, 6449, 6450, 6451, 6452, 6453,
3-14 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6466,
3-15 6469, 6470, 6473, 6474, 6478, 6479, 6480, 6481, 6482, 6483, 6484,
3-16 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495,
3-17 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506,
3-18 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517,
3-19 6518, and 6519, Revised Statutes;
3-20 (B) Chapter 127, Acts of 56th Legislature,
3-21 Regular Session, 1959 (Article 6478a, Vernon's Texas Civil
3-22 Statutes); and
3-23 (C) Chapter 110, Acts of the 43rd Legislature,
3-24 Regular Session, 1933 (Article 6479a, Vernon's Texas Civil
3-25 Statutes);
3-26 (11) Articles 6520, 6521, 6522, 6523, 6524, 6525,
3-27 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, and 6534, Revised
3-28 Statutes;
3-29 (12) Article 6549, Revised Statutes;
3-30 (13) Articles 6551, 6552, 6553, and 6554, Revised
3-31 Statutes; and
3-32 (14)(A) Articles 6555, 6556, 6557, 6558, and 6559,
3-33 Revised Statutes; and
3-34 (B) the following Acts and articles as compiled
3-35 in Vernon's Texas Civil Statutes: 6559g-1, 6559g-2, 6559h-1,
3-36 6559h-2, 6559h-3, 6559h-4, 6559h-5, 6559h-6, 6559h-7, 6559h-8,
3-37 6559h-9, 6559h-10, 6559h-11, 6559i-3, 6559i-4, 6559i-5, 6559i-6,
3-38 and 6559i-7.
3-39 SECTION 6. A railroad incorporated under Title 112, Revised
3-40 Statutes, before the effective date of this Act:
3-41 (1) is not affected by the repeal under this Act of the
3-42 laws involving incorporation under that title; and
3-43 (2) is governed by the laws involving the
3-44 incorporation of railroads in effect immediately before the
3-45 effective date of this Act, and the former laws are continued in
3-46 effect for that purpose.
3-47 SECTION 7. This Act takes effect September 1, 2007.

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